



General Assembly

January Session, 2011

Amendment

LCO No. 8438

HB0548908438HDO

Offered by:

REP. DARGAN, 115th Dist.
REP. GIEGLER, 138th Dist.
REP. GODFREY, 110th Dist.
REP. TABORSAK, 109th Dist.
REP. CARTER, 2nd Dist.
SEN. MCLACHLAN, 24th Dist.
REP. LYDDY, 106th Dist.
SEN. MCKINNEY, 28th Dist.
REP. HOVEY, 112th Dist.
REP. SMITH, 108th Dist.
REP. GENTILE, 104th Dist.
REP. CAMILLO, 151st Dist.
REP. FRITZ, 90th Dist.
SEN. CASSANO, 4th Dist.
REP. NAFIS, 27th Dist.
REP. URBAN, 43rd Dist.
REP. REYNOLDS, 42nd Dist.
REP. O'BRIEN E., 61st Dist.
REP. RITTER M., 1st Dist.
REP. JOHNSON, 49th Dist.
REP. LESSER, 100th Dist.

REP. MILLER, 36th Dist.
REP. SERRA, 33rd Dist.
REP. ROY, 119th Dist.
REP. LUXENBERG, 12th Dist.
REP. RITTER E., 38th Dist.
REP. CRAWFORD, 35th Dist.
REP. DAVIS P., 117th Dist.
REP. SCHOFIELD, 16th Dist.
REP. ORANGE, 48th Dist.
SEN. CRISCO, 17th Dist.
SEN. GUGLIELMO, 35th Dist.
REP. BETTS, 78th Dist.
REP. HWANG, 134th Dist.
REP. GREENE, 105th Dist.
REP. SAMPSON, 80th Dist.
REP. SCRIBNER, 107th Dist.
REP. GUERRERA, 29th Dist.
REP. NICASTRO, 79th Dist.
REP. COUTU, 47th Dist.
SEN. FRANTZ, 36th Dist.
REP. SIMANSKI, 62nd Dist.

To: House Bill No. 5489

File No. 67

Cal. No. 58

"AN ACT CONCERNING AN ADDITIONAL STATE FIRE SCHOOL."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 7-308 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 (a) As used in this section, "municipality" [shall have] has the same
6 meaning [ascribed to it by] as provided in section 7-314; "fire duties"
7 [means those duties the performance of which is defined in said] has
8 the same meaning as provided in section 7-314; "ambulance service"
9 means "ambulance service" as defined in section 7-314b; [and]
10 "volunteer ambulance member" means "active member of an
11 organization certified as a volunteer ambulance service in accordance
12 with section 19a-180" as defined in section 7-314b; and "fire police
13 officer" means any active member of a volunteer fire police
14 organization operating under a municipal fire department that
15 provides support services to such department in accordance with
16 section 7-313a.

17 (b) Each municipality of this state, notwithstanding any inconsistent
18 provision of law, general, special or local, or any limitation contained
19 in the provisions of any charter, shall [pay on behalf of any paid or
20 volunteer fireman or volunteer ambulance member of such
21 municipality all sums which such fireman or volunteer ambulance
22 member becomes obligated to pay by reason of liability imposed upon
23 such fireman or volunteer ambulance member by law for damages to
24 person or property, if the fireman or volunteer ambulance member, at
25 the time of the occurrence, accident, injury or damages complained of,
26 was performing fire or volunteer ambulance duties and if such
27 occurrence, accident, injury or damage was not the result of any wilful
28 or wanton act of such fireman or volunteer ambulance member in the
29 discharge of such duties] protect and save harmless any volunteer
30 firefighter, volunteer ambulance member or volunteer fire police
31 officer of such municipality from financial loss and expense, including
32 legal fees and costs, if any, arising out of (1) any claim, demand, suit or
33 judgment by reason of alleged negligence on the part of such volunteer

34 firefighter, volunteer ambulance member or volunteer fire police
35 officer while performing fire, volunteer ambulance or fire police
36 duties, and (2) any claim, demand or suit instituted against such
37 volunteer firefighter, volunteer ambulance member or volunteer fire
38 police officer by reason of alleged malicious, wanton or wilful act on
39 the part of such volunteer firefighter, volunteer ambulance member or
40 volunteer fire police officer while performing fire, volunteer
41 ambulance or fire police duties. In the event that a court of law enters a
42 judgment against such volunteer firefighter, volunteer ambulance
43 member or volunteer fire police officer for a malicious, wanton or
44 wilful act, such volunteer firefighter, volunteer ambulance member or
45 volunteer fire police officer shall reimburse such municipality for any
46 expenses that the municipality incurred in providing such defense,
47 and such municipality shall be exempt from any liability to such
48 volunteer firefighter, volunteer ambulance member or volunteer fire
49 police officer for any financial loss resulting from such act. This section
50 shall not apply to damages to a person caused by an employee to a
51 fellow employee while both employees are engaged in the scope of
52 their employment for such municipality if the employee suffering such
53 damages or, in the case of his or her death, his or her dependent, has a
54 right to benefits or compensation under chapter 568 by reason of such
55 damages. If a [fireman] firefighter or, in the case of his or her death, his
56 or her dependent, has a right to benefits or compensation under
57 chapter 568 by reason of injury or death caused by the negligence or
58 wrong of a fellow employee while both employees are engaged in the
59 scope of their employment for such municipality, such [fireman]
60 firefighter or, in the case of his or her death, his or her dependent, shall
61 have no cause of action against such fellow employee to recover
62 damages for such injury or death unless such wrong was wilful and
63 malicious. Such municipality may arrange for and maintain
64 appropriate insurance or may elect to act as a self-insurer to maintain
65 such protection. No action or proceeding instituted pursuant to the
66 provisions of this section shall be prosecuted or maintained against the
67 municipality or [fireman] firefighter, volunteer ambulance member or
68 volunteer fire police officer unless at least thirty days have elapsed

69 since the demand, claim or claims upon which such action or special
70 proceeding is founded were presented to the clerk or corresponding
71 officer of such municipality. No action for personal injuries or
72 damages to real or personal property shall be maintained against such
73 municipality and [fireman] firefighter, volunteer ambulance member
74 or volunteer fire police officer unless such action is commenced within
75 one year after the cause of action therefor arose and notice of the
76 intention to commence such action and of the time when and the place
77 where the damages were incurred or sustained has been filed with the
78 clerk or corresponding officer of such municipality and with the
79 [fireman within] firefighter, volunteer ambulance member or volunteer
80 fire police officer not later than six months after such cause of action
81 has accrued. No action for trespass shall lie against any [fireman]
82 firefighter crossing or working upon lands of another to extinguish fire
83 or for investigation [thereof] of such fire. No action for trespass shall
84 lie against any volunteer ambulance member crossing or working
85 upon lands of another while performing ambulance services. No action
86 for trespass shall lie against any volunteer fire police officer crossing or
87 working upon lands of another while performing fire police services.
88 Governmental immunity shall not be a defense in any action brought
89 under this section. In any such action the municipality and the
90 [fireman] firefighter, or the municipality and the volunteer ambulance
91 member, or the municipality and the volunteer fire police officer, may
92 be represented by the same attorney. [if the municipality, at the time
93 such attorney enters his appearance, files a statement with the court,
94 which shall not become part of the pleadings or judgment file, that it
95 will pay any final judgment rendered in such action against such
96 fireman or volunteer ambulance member. No mention of any kind
97 shall be made of such statement by any counsel during the trial of such
98 action.]

99 Sec. 2. Section 12-81w of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective July 1, 2011*):

101 The legislative body of any municipality may establish, by
102 ordinance, a program to provide property tax relief for the nonsalaried

103 local director of civil preparedness and for [individuals] any
104 individual who [volunteer their] volunteers his or her services as a
105 firefighter, fire police officer, as defined in subsection (a) of section 7-
106 308, as amended by this act, emergency medical technician, paramedic,
107 civil preparedness staff, an active member of a volunteer canine search
108 and rescue team, as defined in section 5-249, an active member of a
109 volunteer underwater search and rescue team, or an ambulance driver
110 in the municipality. Such tax relief may provide either (1) an
111 abatement of up to one thousand dollars in property taxes due for any
112 fiscal year, or (2) an exemption applicable to the assessed value of real
113 or personal property up to an amount equal to the quotient of one
114 million dollars divided by the mill rate, in effect at the time of
115 assessment, expressed as a whole number of dollars per one thousand
116 dollars of assessed value. Any ordinance may authorize interlocal
117 agreements for the purpose of providing property tax relief to such
118 volunteers who live in one municipality but volunteer their services in
119 another municipality.

120 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) The Commissioner of
121 Emergency Services and Public Protection, in consultation with the
122 Commission on Fire Prevention and Control and the Connecticut State
123 Firefighters Association, shall approve the establishment of any
124 regional fire school. Any municipality seeking to establish a regional
125 fire school shall hold a public hearing in the municipality where the
126 regional fire school is proposed to be established and, after the public
127 hearing, submit an application to the commissioner. Not later than
128 sixty days after such application, the commissioner, in consultation
129 with the commission and the Connecticut State Firefighters
130 Association, shall approve or deny the application.

131 (b) The commissioner may, in consultation with the commission and
132 the Connecticut State Firefighters Association, suspend or revoke the
133 approval of any regional fire school that fails to meet the standards
134 established by the commissioner in accordance with section 7-323l of
135 the general statutes, as amended by this act, or any regulations
136 adopted in accordance with subsection (c) of this section, provided the

137 commissioner shall not suspend or revoke the approval of any regional
138 fire school approved prior to October 1, 2011. The commissioner shall
139 immediately send written notice of its decision to suspend or revoke
140 approval to the regional fire school affected. Not later than ten days
141 after receiving notice that the commissioner has revoked or suspended
142 approval of such regional fire school, the recipient may request a
143 hearing. Not later than thirty days after the commissioner receives
144 such request, the commissioner shall hold a hearing in accordance with
145 chapter 54 of the general statutes. Any appeal of the hearing's outcome
146 shall be in accordance with section 4-183 of the general statutes.

147 (c) The Commissioner of Emergency Services and Public Protection,
148 in consultation with the commission and the Connecticut State
149 Firefighters Association, shall adopt regulations in accordance with the
150 provisions of chapter 54 of the general statutes to implement the
151 provisions of this section.

152 Sec. 4. Subsection (a) of section 7-323l of the general statutes is
153 repealed and the following is substituted in lieu thereof (*Effective*
154 *October 1, 2011*):

155 (a) The commission shall:

156 (1) Recommend minimum standards of education and physical
157 condition required of each candidate for any firefighter position;

158 (2) Establish standards for a fire service training and education
159 program, on a voluntary basis, and develop and conduct an
160 examination program to certify those fire service personnel who
161 satisfactorily demonstrate their ability to meet the requirements of the
162 fire service training and education program standards;

163 (3) Conduct fire fighting training and education programs designed
164 to assist firefighters in developing and maintaining their skills and
165 keeping abreast of technological advances in fire suppression, fire
166 protection, fire prevention and related fields;

167 (4) Recommend standards for promotion to the various ranks of fire
168 departments;

169 (5) Be authorized to apply for, receive and distribute any state,
170 federal or private funds or contributions available for training and
171 education of fire fighting personnel; [and]

172 (6) Recommend that the Commissioner of Emergency Services and
173 Public Protection approve or reject the establishment of or, when
174 appropriate, suspend or revoke the approval of, regional fire schools in
175 accordance with section 3 of this act; and

176 ~~[(6)]~~ (7) Submit to the Governor and Joint Legislative Management
177 Committee of the General Assembly an annual report relating to the
178 activities, recommendations and accomplishments of the commission."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	7-308
Sec. 2	<i>July 1, 2011</i>	12-81w
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	7-323l(a)